

**Jail Oversight Board Meeting  
for August 2020  
(Excerpts)**

The monthly meeting of the Allegheny County Jail Oversight Board was held Thursday, August 6, 2020 held as a virtual conference at 4:00 P.M.

**Members Present**

Honorable Judge Clark  
Honorable Judge Lazzara  
Sheriff William Mullen  
Brad Korinski representing County Controller  
Barbara Parees representing County Executive  
Bethany Hallam At-Large Council  
Gayle Moss  
Abass Kamara

Others in Attendance:

Warden Harper  
Deputy Warden Williams

**Meeting Guidelines —**

1. Everyone in this room will be treated with dignity and respect. No exception.
2. Everyone will have the opportunity to be heard, within reason. Depending on the number of public comments that sign up to speak there may be a time limit imposed.
3. Profanity and yelling will not be tolerated. Anyone using profanity or anyone who is yelling will be removed from this meeting.

**Announcements**

**1. Public Comments**

**Judge Clark:**

I'm going to start this meeting today with public comments. We didn't get as many public comments as we have in the past. Many of them were actual comments without question. Some of them dealt with the issue of the public comment and some of them dealt with issues that will be presented later in the board meeting. The Warden and the Deputy Warden have provided answers to the things that they could answer and so I thought I would just begin by reading the public comments since there weren't very many and they would be part of the record.

**Question from Margaret M. Martin:**

First, thank you to the Board for the \$50 contribution to the inmates' commissary accounts as well as the daily free phone call. July's meeting was the first I attended (virtually), and I was impressed with the Board itself, the Warden, the Deputy Warden, and the issues discussed. It is a relief to know that much needed improvements are planned. I read the PG news article written by Ashley Murray regarding the audit on inmate meals, the lack of nutrition, and the disparity with regard to those who can or can't afford to order supplemental food. It shouldn't matter why an inmate is housed in the jail--every single inmate deserves to have a nutritious and edible meal, including fruits and vegetables. The food should be identifiable and palatable. It is inhumane and unconscionable that up to this point, this has not been the case. Are the statistics on the ACJ website accurate with regard to the number of inmates who currently have, are recovered from, or were released due to a COVID-19 infection? Thank you for your time and the service you provide for one of our most vulnerable populations.

**Warden's Response:**

*We appreciate the feedback and response to recent meetings as well as recent news articles. We remain committed to process evaluation and improvement in the facility. The website is updated frequently and is current and up to date presently.*

**Judge Clark:**

As to the nutrition, I did meet with the Warden and Deputy Warden. I meet with them before each of the meetings to go over the agenda. I actually talked to them about the issue of nutrition. It's something that they're going to look at, I think the contract will be coming up for renewal or there will be an RFP process. And there are some other issues regarding why there is sort of a high carb. diet. Many of the inmates only choose to eat two meals and they want to make sure that they have enough calories. But we're going to look at the issue of including more fruits and vegetables. As we know, fresh fruits can be very expensive but we're going to look at it as it goes on. It's an issue that we intend to address. It's not going without notice. I am a person who is into nutritious meals, so I share some of those concerns as well.

**Question from Luiza Sarbu, Pennsylvania Prison Society, Foundation of HOPE:**

Have you considered testing the newly incarcerated for COVID when first coming \*into\* the jail to keep Coronavirus out of the facility? If not, why? In addition, have you considered testing inmates as they're \*leaving\* the facility to prevent the spread of Coronavirus in the community? If not, why?

**Warden's Response:**

*The ACJ follows the recommendations from the CDC, PA Department of Health and the Allegheny Health Department to test symptomatic individuals. We continue to test individuals based on clinical recommendations and routinely quarantine other individuals during their first 14 days and presume that they could be positive or develop symptoms. If someone is a known contact exposure, at time of intake, we will test them upon admission. We have not considered testing individuals prior to release into the community for a number of reasons to include some of the following:*

- 1. The ACJ follows the recommendations from the CDC, PA Department of Health and the Allegheny Health Department to test symptomatic individuals.*
- 2. When someone is legally released from the facility, we have an obligation to comply with that order. Test result times have varied and could require someone to remain incarcerated for longer than legally indicated if they are pending their test results.*
- 3. Individuals have the right to refuse testing. The test is uncomfortable, and the individual has the right to refuse the test.*

**Question from John Doe:**

What can the prison board do to ensure the safety of the staff members at the ACJ? Because the jail is so short staffed, staff members are being given assignments that usually would be given to 2-3 employees. This is putting the inmates at risk along with the staff. Management is creating unsafe situations and the staff and inmates are ultimately paying the price. Two staff members were recently fired....both were doing multiple jobs that would not have been expected by them if the jail was properly staffed. Investigate the Allegheny County Jail!!!

wondering if there is any way we could do something sooner than that. So that we could have some better mental health services offered in the jail.

**Chief Williams:**

Judge Lazzara, I will make sure to add that to my staffing portion as well.

**Judge Lazzara:**

Okay. Thank you.

**Judge Clark:**

Anything else? Alright, thank you. The next old business is an update on COVID-19. I don't know whether Warden Harper or Deputy Warden Williams could you give us an update on that please?

### **c. COVID-19 Update**

**Chief Williams:**

I do want to acknowledge that the defense attorney was accurate. There was a lag in updating and that was my fault, on the jail website. I failed to provide those numbers. I thought I had done so. But they are accurate as of today. Prior to this meeting right around 3 O'clock, I did receive that we had 6 pending tests, we got 5 of those specimens returned to us as negative. So, those numbers will be updated and reflected at some point after this meeting this evening. One of the most important things though, is that we have zero positive inmate cases within the facility and the majority of our staff who have been impacted have returned fully recovered and restored to work.

**Warden Harper:**

I would like to add something to that your honor. I just want to add and say this to the men and women working at the Allegheny County. The men and women working at the Allegheny County, are doing a tremendous job in preventing the spread of this virus in our facility. If you read national news, or world news about what's occurring in other jails in the United States, you will see that we are far more doing better than what everyone else is doing. So, I just want to commend everybody working at the ACJ on the outstanding work that they are doing to prevent the spread of this virus.

**Judge Clark:**

Thank you. Does anyone have any questions or comments for either Deputy Warden Williams or Warden Harper?

**Judge Lazzara:**

Yes. I understand that there is a policy that you aren't going to test people as they leave the jail. However, as you all know a lot of my mental health court folks, they are going into other programs and a whole lot of these programs will not accept people into their program without a negative screening performed first. We all know we want to get people out of the jail. We want to move them into their programs. We want to get them the help that they need. And I would just ask that if it possible for the jail to more quickly allow there to be COVID test for people moving into programs, whether that be drug & alcohol programs that require it, mental health CRR's that are requiring it, or other facilities. It would be greatly appreciated. Because having people have to sit there another couple of weeks at least to get a COVID test is making it very difficult on folks.

**Chief Williams:**

So, Judge, I would like to respond to that if you're open to it. When we had received the public comment in regard to testing everybody at the time of release. The interpretation was truly, as you know, somebody's bond gets paid and it sounded like the request was that we would test that individual for COVID-19 and then release them. And that would definitely delay our process in being able to effectively and legally release someone within the time line that is designated. We have already been testing individuals for transfer to mental health placement like CRR or LPSR, because we do understand that they require those tests. So, we've done 168 tests either for a state correctional institution, torrent state hospital, CRR, nursing home, or other levels of care that require that. We've done so by working with those collaborative providers on identifying what their transfer date will be. We make sure we test the individual or at least offer to test, because we have had some of the persistently mentally ill refuse the test. Then we work with the treatment provider on insuring that we potentially quarantine that individual in a cell by themselves so that they can feel safer bringing them into their setting. So, we are in fact testing individuals, we are not delaying those mental health patients exiting our facility. We too, remain motivated in getting them to a more appropriate setting.

**Judge Lazzara:**

Awesome. Thank you so much.

**Judge Clark:**

Any other questions or comments? Ms. Hallam?

**Bethany Hallam:**

Yes. I just have one more. I want to know what the jail is doing about the potential of false negatives in the test that have been conducted and come back negative. I read an article the other day saying that 15% of negative test have actually been proven to be positive but came up as a false negative. So, I just want to know what the jail is doing to address that?

**Chief Williams:**

So, we have under the recommendations of the Allegheny County Health Department, Pennsylvania Department of Health, and the CDC, treated everybody who is tested, on a quarantine status. The recommendation is that even when someone test negative for COVID-19, especially if you're using extensive based approach, there is a reason why you tested them to begin with. The recommendation is that you continue to monitor them to see if any additional symptoms develop. If additional symptoms develop, there's typically a recommendation for a re-test. We have not had individuals so far who have met that criteria. But they do remain on a medical isolation period until we have their test results and then on a quarantine period for the full duration of 14-days. I think we discussed this last month how that can be counter intuitive, it's actually a shorter isolation quarantine period when your positive because the symptoms can develop all the way up to day 12 if you do have a negative test initially. I know that was a lot of information. I'm not sure if that answered your question correctly.

**Bethany Hallam:**

No, I think it did. I think my biggest concern is that only the folks who have fevers are getting tested it seems.

**Chief Williams:**

That's not accurate.

**Bethany Hallam:**

Okay. So, you cannot have a fever and still receive a test? Like, if you lost your sense of smell or something along those lines? You would still receive a test?

**Chief Williams:**

What I think was originally reported was early on in the pandemic, there were three symptoms and I believe we discussed last month. It was a fever, which is typically recognized at 100.4 degrees, but with the support of the Allegheny County Health Department, we reduced that threshold to 99.0 degrees, that would allow us to test more individuals. Shortness of breath and a newly developed onset of cough. So, initially in the first, I would say month or month and a half of the pandemic, those were the symptoms that we were testing for. When the CDC expanded the criteria, we too expanded our criteria and modeled the symptoms that they had offered including loss of smell and loss of taste. We've had more frequently than not, individuals not present with a fever but we still test them. We're seeing still a lot of respiratory conditions that are the ones that are driving the test. So, a new onset of cough, tends to be the highest for testing in our facility.

**Bethany Hallam:**

Thank you.

**Judge Clark:**

Any other questions or comments? Alright. Thank you.

**3. Review of the Minutes for July 2, 2020**

**Judge Clark:**

The minutes were sent out to you with all the other board information and so I hope you've had a chance to review them. I will entertain a motion to approve the minutes if it's your pleasure.

***The Board unanimously approved a motion by Judge Lazzara, duly seconded by Bethany Hallam to approve the minutes from the July 2, 2020 Meeting***

**Judge Clark:**

I did go while we were in the meeting and looked at the posted minutes to see about the public comments. Initially, the comments that were read were included in the body of the minutes and the draft of the minutes that you received included the questions and comments with the responses. So, for the person that had that concern, they will be posted on the website with the minutes.

**4. President's Report**

**Judge Clark:**

Alright, so Warden I don't have anything additional to report to the board today, so we'll skip down to the Warden's report.

**5. Warden's Report**

**Judge Clark:**

Warden Harper is there anything additional? Well I know you have quite a few things to report so we'll skip to you at this time.

**Jail Oversight Board Meeting  
for January 2021  
(Excerpts)**

The monthly meeting of the Allegheny County Jail Oversight Board was held Thursday, January 7, 2021 as a virtual conference at 4:00 P.M.

### **Members Present**

Honorable Judge Clark  
Honorable Judge Lazzara  
County Controller Chelsa Wagner  
Barbara Parees representing County Executive  
Bethany Hallam At-Large Council  
Gayle Moss  
Sheriff Mullen  
Abass Kamara

Others in Attendance:

Warden Harper  
Deputy Warden Williams

### **Meeting Guidelines —**

1. Everyone in this meeting will be treated with dignity and respect. No exception.
2. Everyone will have the opportunity to be heard, within reason. Depending on the number of public comments that sign up to speak there may be a time limit imposed.
3. Profanity and yelling will not be tolerated. Anyone using profanity or anyone who is yelling will be removed from this meeting.

### **Announcements**

#### **1. Public Comments**

#### **Judge Clark:**

We're going to start with public comments, and we had a number of them. Some of them were duplicates. People from one organization, essentially providing the same comment so I will not read all of them, I will read one of them. We had a number of them that dealt with issues regarding COVID-19, regarding access to books, and a number of other things. The first comment that I'm going to read the name was "doesn't matter" and it says,

*"Why does it state that you will read all comments in entirety as long as they are shorter than five minutes yet you selectively read comments regularly ignoring the bulk of them, This committee seems to appear for paper purposes only oh wait I forgot the spending of the inmate welfare fund"*

So, I would just say that we do try to read as many of the comments as we can. It takes a long time to read them and we have other business that we have to discuss. If this were an in-person meeting, we would also limit the length that anyone can speak and the number of comments because the board has to get to business. I apologize if people feel that we're ignoring their comments. We do answer all of the comments in writing and they are posted. If you've made a comment that was not read, if you go to the website, you should be able to see the answer to your comment. I do look forward to when we're back in-person so that personally you can address your issues to the board. I know this is not the ideal way and so I apologize for that. We're going to move to some of the questions, there were a number that dealt with the issue of



COVID-19 in the jail, testing, vaccines, and quarantine. I'm going to read a couple of them and then I'm going to turn it over to Warden Harper and Deputy Warden Williams to address those issues. The first one is from Brian Williams a corrections officer, who states,

*"Since December over 50 officers were ordered to quarantine by jail administration before, during, or after their work shift. Some of these officers were on a second or third quarantine order not covered by FFCRA time. Officers filed for unemployment while they quarantined unpaid. Much to their surprise the jail submitted family leave paperwork on their behalf which will interfere with receiving unemployment benefits. County sheriffs and police are paid on every employer ordered quarantine due to their inclusion in the expanded heart and lung act benefit. Act 17 signed by Governor Wolfe in December. Officers at the jail are not covered. Please take every action available to cover those employer ordered quarantine for officers as we are exposed to the risk of infection at a much higher possibility than our law enforcement counterparts. As of December 30<sup>th</sup>, the county had \$22M in CARES fund on hand and that should be used to aid essential employees at the jail. I'm requesting that the members of council representatives, the county executive's office, and the county managers office do the right thing and cover the wages of those forced to quarantine by Allegheny County"*

There's a similar question from Inquiring Mind from someone at the Allegheny County prison employee's independent union.

*"Why does the jail board and Warden Harper continue refusing to answer why jail officers and medical staff aren't receiving hazard pay from the CARES Act? For the last three meetings you have actively avoided asking and answering this question. What happened to the money and what is the justification for not giving it to us? The county has the audacity to buy two vinyl banners that tell us we're essential and appreciated and yet we take our staffing to a minimum due to the pandemic and have gone almost an entire year working in this environment without receiving hazard pay."*

And there's another one from Concerned Officer,

*"why does the county police and the sheriffs get paid when they are quarantined for two or three times, but we do not? Administration is sending officers home for contact tracing and we are forced to go without a paycheck for two weeks with a wife and kids. Why does the county not pay us and who is deciding not to pay us?"*

I'm going to stop there, Warden or Deputy Warden Williams so that you can talk about these comments focused on quarantining and the hazard pay or CARES Act fund.

**Warden Harper:**

Good afternoon and happy new year to everybody. Your honor, we do have people that have been quarantined several times and we will look into that. I can't speak as to what the sheriffs and what the police do, but that's something we can look into. As far as the hazard pay, I can not discuss union because it's negotiated business pertaining to the hazard pay as I stated before. I can not talk about the hazard pay because that's under the collective bargaining agreement. I'm still going to stick to my statement from before.

**Bethany Hallam:**

May I ask a question? Since we are fortunate enough to have the sheriff on the jail oversight board, I thought maybe he could speak to if that is true. That the folks under him are being paid

when they are forced to quarantine. Because if that is true and it's happening for the other departments, I do believe that's something we should be looking into as part of this board. So, Sheriff Mullen, basically what I'm asking is if you could just confirm what the public comment claimed. When folks in the sheriff's department are testing positive or being forced to quarantine due to COVID-19, are they being paid for that time?

**Sheriff Mullen:**

Some are and some aren't. If you look at what happened at the 'Broken Egg' where the two deputies had their picture taken when the place was supposed to be closed. We made them take sick days and they were quarantined. They had to use their sick days and take a test before they could come back. Some people who we thought were exposed while on duty, yes, they will be paid for that.

**Bethany Hallam:**

Okay. Thank you very much. One more thing. Is there anyone other than that incident with the 'Broken Egg' that comes to mind where you have made them take sick time?

**Sheriff Mullen:**

There may have been some but obviously that was newsworthy and stayed in my head. I don't think so, but I may have missed something. If it was, it was something minor.

**Bethany Hallam:**

Thank you, Sheriff Mullen. And Judge Clark, I do know that that is something that I've been hearing over and over again from the staff at the jail. They are upset that they are being exposed to COVID-19 and having to quarantine and not getting paid. I don't know what we can do about that. If anyone else has any suggestions but I do know that month after month that's a complaint that we've been hearing from the staff.

**Judge Clark:**

I guess there may be an issue of whether staff have been exposed in the jail or whether staff were exposed outside of the jail in their own behavior. I'm not going to ask the Warden to comment on that, but I think that's something that we can look into. It's complicated. I think depending on what the situation is. I think probably different county departments are doing some things differently and then some things I think do depend on their selective bargaining unit the things that they get or do not get. I think what might be good as the board is if we frame some specific questions about this issue and maybe we can shoot them to the Warden or the county solicitor to ask for clarification on it. That's the best I can offer at this time.

**Judge Lazzara:**

Are there CARES Act funds that would be available to help pay? Perhaps it doesn't have to come out of the jail budget, it could come out of the CARES Act. Could we make a request that the CARES Act be used for that?

**Judge Clark:**

Right now, I think the CARES Act money, I believe the county has received has been allocated. I don't think at this time we would be able to. I don't know the answer to that question. I know for example if we're making people quarantine involuntarily because we believe they were exposed on the work site. For example, if someone came into the court and we found out that person

was positive, and they had significant contact with court staff, and we asked them to quarantine. We would not make them take their personal time. I can't speak on if we thought someone in the court had a party and invited all of their friends and didn't wear a mask and then they test positive and we ordered them to quarantine or if several people from the courts got together and had a party and others were exposed and we made them quarantine. I don't know whether under those circumstances we would pay them or make them use their sick time. So, I think it's complicated and I don't think it's appropriate in a public meeting to try to discuss personnel issues. I think there's a lot of possibilities. I don't know whether CARES Act money can be used for that. But we can find that out and whether that has happened. The Warden sort of said he would check into that, so we can do that. But I think what we should do as the board is to try to frame some specific questions that we can ask with regards to that so we can have some answers and that we may be able to provide. I would just say that we're talking about employees, so they do have a right to know what the issues are and why there might be differences between them and other county departments, like the county police or sheriff's department. I know that we have differences in the court and other county departments and even within the court there are differences in different jobs because of the bargaining unit to which those jobs are attached. So, when they go for their collective bargaining, they discuss those issues and I guess that's what they ultimately agree upon. So, there may even be some differences within an organization depending on your job. Whether you are management, a supervisor, or whatever your job is. Sometimes even in my mind they don't seem to be fair but that's the way it is with the bargaining unit and the unions. That's the best I can say right now. I don't know if there's anything else you want to add Warden. Or whether anyone else has any questions.

**Chelsa Wagner:**

May I just add one thing Judge Clark? I think this can go to us submitting questions for clarification. But when we're talking about the collective bargaining agreements and I came up against this in our office initially where there was a lot of misconceptions, especially in a time like this. Those are the floor and not the ceiling. So, those agreements should never prohibit the county from extending necessary benefits as I see it. But I think that could be pieced out with some of the questions that we could ask.

**Judge Clark:**

Okay. Thank you. Anything else that anybody wants to add? So, the next question kind of deal with the vaccinations. This is from anonymous227 44,

*"Vaccinations (I) Educating Inmates about the Vaccine What's ACJ plan to educate inmates about the vaccine(s) that will be offered to them. What specific materials are ACJ providing inmates so they can make an informed decision? Who wrote them? How is the ACJ providing or presenting this information to inmates? Can it be put on the tablets and in paper packets? (II) Employees Who Refuse Vaccination If there are correctional officers or other ACJ employees who refuse to be vaccinated, will they be permitted to have a work detail where they work in direct or close contact with medically vulnerable inmates? Employees who are not vaccinated can continue to spread the virus. How is ACJ protecting these inmates from getting infected? How many employees have refused to be vaccinated thus far?"*

Warden or Deputy Warden Williams is there a plan for the vaccine so far in the jail?

**Warden Harper:**

Right now, we do not have a plan to vaccinate the inmates at the Allegheny County jail, at this moment. As far as the other questions pertaining to employees refusing the vaccine. You know people can refuse the vaccine. We just haven't got to a point as to what exactly we're going to do when it comes to employees that are refusing the vaccine.

**Judge Clark:**

Has the vaccine been started in the jail yet? I know there is a sort of roll out of the vaccine nationally so has any rolled out to the jail yet?

**Chief Williams:**

If I may respond to that. The CDC has come up with interim vaccination plans. Pennsylvania has one specifically as well. We're very fortunate that we've been offering very recently within the last 10 days, started offering vaccines to employees. So far 110 employees have elected to be vaccinated. We have another clinic for employees that will take place tomorrow and over 130 have expressed additional interest in getting vaccinated. As the Warden spoke before, choosing to be vaccinated is still a personal choice. People have to evaluate that with the information that's available. We're providing the Moderna vaccine onsite in collaboration with the Allegheny County Health Department. We wouldn't have been able to do this without them and we appreciate that they have prioritized our population as well. So, we've continued to provide the manufacturer information for the Moderna vaccine as well as encourage employees to meet with their personal healthcare providers so that they can evaluate those decisions for themselves. We are not mandating our employees to get the vaccine. We are still ensuring that all different diseases mitigation efforts are continuing to be followed such as the mandatory mask wearing, as well as all the environmental cleaning, social distancing, and continuing recommendations with screening employees. We will follow a roll out plan as well for the inmates and we will not require them to be vaccinated either. So, we have done clinics in our institution for flu vaccines for both inmates and employees and we will be following the same strategy which is identifying those that are the most vulnerable to be vaccinated first in our inmate population and then extending that to general population. We're still finalizing those details, that will be done with our infectious disease coordinator, guidance from the Allegheny County Health department any additional guidance that we can get from the CDC or the PACOH and our medical director.

**Judge Clark:**

So, part of the question dealt with is there going to be any effort to educate the inmates about the benefits of the vaccine, the side effects, and those kinds of things? And if so, how will that happen? Who is preparing that information? The question was, can it be put on the tablets as well as given in some other written form to the inmates so that they can make an informed decision as to whether or not they should be vaccinated.

**Chief Williams:**

We're going to explore any and all avenues. Typically, what we do for education with the inmates is townhall meetings. Those are in person meetings with individuals who are readily available to answer questions. We will have signage posted so the individuals can read and educate themselves. Now that we do have a tablet platform, that would be an ideal scenario to get that information out. But we would still want our healthcare providers to be able to answer those specific questions for the inmate population so that they can make those decisions.

**Judge Clark:**

Sure. I'm assuming that there are some existing public service announcements or videos about the vaccine. If possible, it might be a good idea to try to get those and have them accessible on the tablets so that the inmates could view them. Does anyone have any questions?

**Bethany Hallam:**

I do. I thought I just heard you say, Deputy Warden Williams, that you would not be mandating that the staff at the jail get the vaccine.

**Chief Williams:**

No. We will not be mandating employees to get the vaccine.

**Bethany Hallam:**

And why is that? Why are you not mandating that?

**Chief Williams:**

We're not permitted to mandate. There are some populations that have exceptions. Additionally, individuals have the right to make those choices for themselves.

**Bethany Hallam:**

Okay so you're saying that the Allegheny County jail is not allowed to mandate that the staff members get the vaccine? I don't know that I read that anywhere.

**Judge Clark:**

I don't think you can force anybody to get a vaccine. If there's an issue in terms of the job, I think they can say that you can't have this kind of contact with certain people. But I don't think we could order our court employees to have the vaccine either. But if there's an issue with that I think we can reassign them to a different job.

**Bethany Hallam:**

That's what I'm wondering. For the corrections officers that have direct incarcerated population contact, we can mandate that if you want to continue having direct incarcerated population contact that you have to get the vaccine in order to do that.

**Warden Harper:**

No, we have not done that and we're not going to do that at this time Ms. Hallam. We can not mandate these guys. These guys work under a CBA and we just have not and will not do that at this time.

**Bethany Hallam:**

Okay. So, just to clarify. Are you saying that the CBA is what prohibits you from mandating vaccines?

**Warden Harper:**

I did not say that. I said that employees have bids and we can not arbitrarily take them from their bid. So, it's a whole lot involved and just trying to remove someone from a post if they refuse a vaccine. So, right now these guys can refuse the vaccine at this time.



**Bethany Hallam:**

Thank you for that information.

**Judge Clark:**

Anybody else? We have a long comment from the Prison Society, from Mr. Kenstowicz. It says,

*"THE JAIL OVERSIGHT BOARD'S DUTY TO INVESTIGATE "INADEQUATE PRISON CONDITIONS AND IMPROPER PRACTICES" AT ACJ The state statute regarding the Oversight Board's duty to conduct investigations at ACJ reads as follows: The board shall investigate allegations of inadequate prison conditions and improper practices occurring within the prison and may make such other investigations or reviews of prison operation and maintenance. The books, papers and records of the prison, including, but not limited to, the papers and records of the warden and those relating to individual inmates, shall at all times be available for inspection by the board. I have never known the Allegheny County Oversight Board to have conducted an investigation of ACJ by interviewing staff, interviewing people incarcerated, reviewing records and completing a report. The Board relies too much on information that the Warden provides. The authors of the statute governing the power and duties of the board purposely did not include the warden on the board because oversight must be done by an independent body and not the warden. ACJ experienced 7 successful suicides from March of 2016 to September of 2018. This suicide rate was one of the highest rates in the country. Did the Board conduct its own investigation of these many deaths by interviewing staff, people incarcerated and reviewing records? After much delay, the National Commission on Correctional Health Care(NCCHC)found many problem areas needing improvement regarding suicide prevention. During the period of time when there were many allegations of transgender people being mistreated at the jail, did the Board respond to the complaints by conducting an independent investigation of the problem by questioning staff and people incarcerated, and looking at records? People providing comment at the oversight board meeting possibly would not have become as "loud or unruly" if they were informed that the Board conducted its own independent investigation of the problem. When the Warden announced that there were no Covid cases among people incarcerated but there were 10 cases among staff, did the board contact medical to assess whether there were medical complaints of Covid like symptoms from people incarcerated? Regarding the two law suits, has the Oversight Board conducted its own investigation of how restraint chairs are used at the jail? Have they conducted their own investigation regarding the allegations of abuse and the absence of mental health services? Has the Board looked at the records of the person who recently died at the jail and talked with staff? Recognizing the dangers of the pandemic and stopping the spread, it seems that the Board could interview staff and people incarcerated by phone or zoom and review records which are electronic. As a last statement, it is possible that if Janet Bunts, the HSA hire who recently left, had a relationship with the Board and felt support from the Board, she might be still working at the jail."*

That's a lot so I would just say I can't comment on what the board did in March of 2016 to September 2018. But I would just say that with the NCCHC report, the jail is making every effort to follow and implement the recommendations that that report has. With respect to the transgender population, we did sort of have a discussion about that. I had a law student intern this past semester who did some research on it. He wrote a very good memorandum and I sent it to the board to look at. We will have some discussion about that at our next board meeting. That will be on the agenda to discuss. Erin Dalton from the department of human services has

reached out to the Warden to work on doing some training with the staff on those issues. So, there are some efforts being made to work on the issues of the transgender population. I agree there's a lot of work that needs to be done on that and I am hopeful that we will be able to make some changes with regard to that once we have reviewed the memorandum and once there is some training in place. In terms of the lawsuit, the board did have an executive session to review the complaints that were filed and as a result of that the board has instructed me to contact the county solicitor to ask for information on some of which is mentioned in this comment. I have contacted the county solicitor. We will be meeting to discuss it and hopefully we will be able to get some of the information requested. I don't know whether the county will agree. It's certainly inappropriate for me to ask the Warden for that because he's part of the lawsuit so we have to go through the county's solicitor. We are trying to do that. I don't know whether anyone else on the board wants to respond to this particular comment? Or whether the Warden or Deputy Warden has anything that they'd like to say? But the board members, were all apart of the executive session. Is there anything that anyone wants to add? So, we've received seven comments from Casa San Jose, which were essentially the same so I'm going to read one of them. This one is from Anna Clark. It says,

*"I am very concerned with how the jail is handling Covid cases and I call for universal COVID testing of all jail employees and inmates. While the Deputy Warden may not consider this a necessary precaution, the Inmate Welfare Fund can be used to pay for these expenses. Covid precautions are necessary and the Jail Oversight Board can determine that universal testing be required."*

I think sort of at the beginning or sort of in the middle of the pandemic we did have a lot of discussion about this and whether there would be universal testing. The board had an executive session with the medical director to receive the additional information to be able to respond to these questions. And there was a significant period of time where there were no inmates testing positive and I think again while there was an issue I think things are sort of under control but I will turn it over to the Warden and Deputy Warden to provide any additional information or comment.

**Warden Harper:**

Thank you, your honor. First of all I just want to say again, thank you to all the employees that work at the Allegheny County jail for doing everything that they are doing to mitigate the spread of the virus in our jail. If you look at surrounding jurisdictions in Pennsylvania and the nation, you will see the jails of our size we are doing pretty well when it comes to the mitigation of the virus inside our jail. All I'm saying is we're doing really good for a jail our size. It's the largest jail in Pennsylvania and I just want to commend the men and women in their mitigation efforts at the Allegheny County jail.

**Judge Clark:**

Does anyone have any questions or comments?

**Bethany Hallam:**

I do Judge Clark. Since our last meeting the CDC has updated their guidance in favor of universal COVID-19 testing in congregate settings such as jails. It was on December 3<sup>rd</sup>, 2020 that they updated their guidance. I know that over and over again when asked why we haven't been universal testing; the jail administrations response has been we are following CDC

guidelines and they are not telling us to test asymptomatic folks. Well now they are. So, I'm wondering why we are not now continuing to follow the CDC guidance and implement universal testing at the Allegheny County jail.

**Chief Williams:**

I can respond to that. That's not accurate. We are not doing that we've not done that facility wide. But we've been working the entire time with the Allegheny County Health Department under their guidance when ever we have a positive case. And there have been several housing units that were tested very recently due to positive inmates on those housing units. And there were asymptomatic individuals who were also found to be positive on those housing units. I think it's important to understand that we are still following the guidance. This isn't anyone's personal opinion within the institution. We are doing what we are advised to do, and we have done so in a number of designated units.

**Bethany Hallam:**

Can I ask what is the rate of COVID-19 among the incarcerated folks who are asymptomatic at the jail?

**Chief Williams:**

I do not have those statistics right now.

**Bethany Hallam:**

Right, because the only way to get those statics would be to follow the CDC's updated guidance and do universal testing. No just on selected pods. Not just testing the same people over and over again. And not just testing people that have come into contact with a confirmed positive case. I can forward you the updated CDC guidelines if you would like to read them.

**Warden Harper:**

You can forward us the CDC guidelines Ms. Hallam. We would really appreciate that, but as the Chief said, we're following guidance from our health department and when our health department determines that everybody needs to be tested then we'll do that. That's what we've done thus far.

**Bethany Hallam:**

No. Actually to correct you on that, every month you have stated over and over again that we are following the CDC's guidance. And the CDC's guidance has changed and yet now you're not following the CDC's guidance anymore. I'm just wondering if you could explain to me why we are no longer following their guidance when that has been the answer that we've been given month after month.

**Warden Harper:**

I want to correct you Ms. Hallam because we have not just stated that we are following the CDC guidelines. We've also said CDC, Pennsylvania Health Department, and the Allegheny County Health Department. So, a collaboration of all. We are in Allegheny County so of course we're going to take a lot of our directions from the County Health Department. So, that's what we're going to do Ms. Hallam.



**Chief Williams:**

I think it's also important to comment that the guidance has expanded which also includes rapid testing which is not something that we currently do in the facility. You have to have a clear waiver lab in order to do rapid testing. We have done universal testing on housing units where there has been a prevalence. I do not have the statistics because I was not prepared for that question. But I'm certain I could give you that information at a later time. We are continuing to follow the CDC guidance as well as the advisement of the Allegheny County health department because not every institution is the same and we are doing what we believe to be in the best interest of the institution.

**Bethany Hallam:**

Thank you. I would appreciate that information that you offered. Also, if you could tell us if there is a certain person at the Allegheny County health department who has ordered you to stop following the CDC guidelines? Is there a specific person that we as members of the jail oversight board should talk to, to get them to start doing that? I'm just wondering who you're in connection with that I should reach out to?

**Chief Williams:**

Nobody at the Allegheny County health department has advised us to stop following the guidelines. I think that you're very liberally applying the expanded availability of testing underneath the CDC updates from December 3<sup>rd</sup>, 2020. We are continuing to communicate very frequently some of those members have been present in the jail oversight board meeting including Dr. Brinkmen. We primarily speak with Jennifer Fitner and Dr. Christian Mertz. When available, because Dr. Depbogan is very busy we do also coordinate and consult with her.

**Bethany Hallam:**

Okay. Thank you very much. I will send you over a copy of that guidance just to help you out.

**Judge Clark:**

We have a comment from Lori Laber about the conditions at the jail. The comment says,

*"\*23 hrs in 1 hr out... (Driving inmates insane) \*Mildew on the ceiling of 2F \*No hot water/No heat (how many will die from pneumonia and ACJ classify it as covid) \*Water leaking down the walls of 4B \*72 Hr lock-ins with no reason (guards in full PPE) \*ICE... it's so cold in the jail there is ice on the INside on some windows. \*Redactions \*Laundry \*conditions (Rat feces) \*Kitchen\* conditions (Rats, feces, expired... rotten food, calcium so bad in the water... that when it's boiled... workers have to dig it all of the top. \*Suicide attempts (a woman on video with an inmate saw the man fall behind. He fell from 2E and landed on 2C. Family hardly notified. ACJ cover ups) \*inmate care\* They need blankets... Real Food... Real mental health care... \* Hush money... ACJ providing \$50 hush dollars to keep inmates quiet. \*Pills... how many inmates came in UNmedicated and are now taking pills daily. Nighttime pills... how many are now taking them? How many inmates came in the jail with minor mental issues and now have things as bad as PTSD? These inmates are human beings!!! They are loved ones! Some are only in there still due to postponements and holds. Get it together!!!"*

So, I guess I'd ask the Warden and Deputy Warden to address the issues that were raised in this comment about the conditions.

**Jail Oversight Board Meeting  
for February 2021  
(Excerpts)**

JOB

Good afternoon, I am **Judge Kim Clark**. I would like to welcome you to the monthly Jail Oversight Board.

We are going to start with a roll call of the board members

Ms. Hallam here

Mr. Kamara present

Ms. Klein here

Judge Lazzara present

Mrs. Moss present

Sherriff Mullen here

Ms. Parees here

Ms. Wagner (muted) Clark: I can see her It doesn't have sound right now, but that's good

We are going to do things differently this afternoon. We are going to start with some presentations. We thought it would be a good idea to start some things that are going on in the jail that people might not be aware of.

### **Presentations**

**Judge Clark:** The first one is a presentation on the Words without Walls program. I am going to turn it over to Warden Harper. He has other people that will be doing this presentation. Warden Harper?

**Warden:** Good afternoon and thank you. I am going to have Jack Pischke do a presentation of the Words Without Walls.

**Pischke:** Thanks for the opportunity to present on our creative writing program here at the Allegheny County Jail, Words Without Walls. We did have some positive press recently. Gretchen McKay on January 24 in the Pittsburgh Post-Gazette titled it "Jail Juveniles find a collective voice through collaborative play. This play was created over the last 2 years by 45 of our juvenile participants and Mr. Michael Bennett of Chatham University and Christine Authory our English teacher from the AIU. It's a given them a chance for their voices to be heard in something positive. It's a 3-act play. It was done a live reading on January 16 over on Facebook and Zoom. There is a link to that that I can provide later if you want to watch. It also coincided with the mission of the Words without Walls program which gives inmates an opportunity to create a supportive and positive community within the jail. We've seen the participation in the creative writing program provide an increased sense of self-worth allowing a healthy outlet for their emotions. When we created this program in 2004 it was always my goal, better to put those emotions down on paper than getting into arguments, getting into fights. We have seen that come to fruition. Participation in the program was offered not only to juveniles, but to our male and female population also. We opened it up to medium and maximum-security classified inmates. The reason being they can take programs together without living in the same housing pods. The class meets in the adult education area for the males/ females on specified assigned days. Again, this is pre pandemic and the class is listed to 20 participants. We offer wide range of genres in writing which include poetry, fiction, memoir. The cohorts are usually 9 weeks. 8 weeks of classroom work, working and putting their writing in the computer and we have a final reading in the 9th week. At the final reading, the participants have a chance to come together with all other classes male, female, juvenile, and do a presentation of their work.

#9 Gym Rat

"Warden Harper, if I've received both COVID shots, can I access the weight room? We have cameras in there, I'll wear a mask, and I'll carry my vaccination card. Will you open the weight room to those quarantined? You can check my papers any time sir."

**Warden:** We aren't going to open the gym until the cases in our county have been drastically reduced. We're not going to allow individuals to go in the gym where the spread could increase. When the cases decrease in the community, we will talk about opening up our gym.

#10 Anonymous Officer

"Dear Prison Board and Administration, It has been months now since the 1M Officer's/ Employee Gym has been closed now with little to no information in regards to its reopening. We have heard that once cameras were installed then we could reopen it with social distancing practices in place. We have also heard that this room will be repurposed for additional office spacing for HR. My question to the board is this; do we have a plan of action for the reopening of this 1M gym? Or do we have an idea what we could do in aspects of physical activity during our 1 hour lunch break, besides walking laps around Central Control on 1M? Due to this increased forcing due to multiple different force lists being projected, FMLA refusal of OT, and multiple officers off TFM, it has been hard for myself and multiple other employees to exercise and relive some pent up frustration that is occurred on our shifts. Working 13-16 plus hours a day for multiple days does not allow us the time to make it to an outside gym or workout from home as Warden Harper has advised us to do as an alternative. Please consider the mental and physical health of the employees of the ACJ and reach a solution to this predicament. Thank you for your time."

**Judge Clark:** I think the Warden has answered. This must be the decision of the warden.

**Judge Lazzara:** He said when the cases decreased. Is there a number that he wants to get to? That would be something that the officers themselves could look forward to? If they see it reached below 100 per day or 50 per day. Is there a statistic he could provide?

**Warden:** I want my employees to be able to workout but my main concern right now is the mitigation of the spread. We will consult the health department when we think we can open the gym safely. I do not have a number but I think I will listen to what is going on around the county and when other gyms are opening and the health department thinks we can open safely, we will open.

#11 Monica Taylor

"Is it true the agencies that supply the jail with medical personnel will not send ACJ any more new agency staff? It was reported that because the conditions of the current staffing levels including being understaffed, overutilized, and staff having multiple shifts denied were some of the factors in the decision. Could you provide the number of agency staff utilized at the jail over the past individual six months including RN, LPN, and MA? Statistics don't lie."

**Judge Clark:** Do we have this information right now or should we save it for the next meeting?

**Warden:** We don't have that information right now your honor. Agency staff is still providing nurses to the ACJ

**Clark:** We will save until the next meeting

**Judge Clark:** So maybe we can talk to the Warden about how that can happen. I think there was also you wanted to meet with the chaplain's office as well, is that correct?

**Kamara:** Yes

**Judge Clark:** So maybe that can be set up as well. We'll try to get some of those things scheduled or maybe if someone wants to take the lead and talk to the warden about trying to schedule a meeting with the chaplain's office. I'm happy to if somebody want to use Teams or Zoom or something, I can schedule it for you. But just to try to get the dates and then Bethany maybe you can get the person that you know from the DOC reach out to the warden and talk that way and some communication about that. Maybe they can set up something where they can figure out what the space requirements are and so forth.

**Kamara:** Your honor, this is Abass speaking. I volunteer to coordinate with the warden and your office on some of the follow up meetings and conversations.

**Judge Clark:** Thank you. Then we will go back to the warden on updates on cover 19. We've had some questions in the public comments about testing and the plans for vaccine distribution in the ACJ, so if you could talk about that, so thank you warden.

**Williams:** Your honor

**Judge Clark:** Yes, or deputy warden

**Williams:** Ok, the jail website includes 1,458 inmates that have been tested. Of those 127 have been found to be positive throughout the duration of the pandemic. 4 are presently positive in the building. We've had 1252 negative tests. We have 71 tests currently pending and 0 inmates in the hospital. Out of our staff, 296 have been tested. 107 have been positive. 189 have been negative, 0 pending, to my knowledge. And 98 recovered with 9 staff currently out. So, some of those staff who are currently out are not believed to still be positive but they've had some health complications as a result of contracting the virus and they are still in their recovery process.

I wanted to make sure I clarified because there have been articles that have been inaccurate in reporting the 296 employees that have been tested have been employees of this institution. They are not all correctional officers. It does include health care staff, correctional staff, civilian staff, and we've even reported staff that have been deemed as nonessential, meaning they are not required to report to the facility every single day they are scheduled to work that have tested positive in the community. But, because they are represented by our institution, we've included them in our numbers so I wanted to make sure to clarify that because it had been reported I believe by a few sources that 296 officers had been tested and 107 were positive and that is not accurate. We currently have one unit that's under medical isolation and we have two units that are under quarantine status. As far as vaccinations go, there was one comment regarding the ball being dropped and I want to be very clear in that the ACHD has been absolutely incredible throughout the duration of this pandemic. We would not be doing as well as we've been doing without their partnership and their commitment and their prioritization of our employees and getting vaccinated. We have been working very closely with them, around the clock, 7 days a week and working to coordinate when the most amount of our employees can be vaccinated so we are not reducing their workforce and resources. It's probably not known, but the health department has done some extraordinary efforts and they've opened up a vaccination clinic in Monroeville which has been advertised as they are continuing to expand to the advanced age population within the community. They've also been coordinating an obscene amount of

volunteers in health care who should also be credited for the success and the safety in Allegheny County for dedicating their time as a volunteer on top of many of them having their full time jobs and high risk jobs within the community setting as well. I'm proud to report though I won't say their names for their own anonymity. We've had ACJ staff who have volunteered not just their time here when the call has been made, but also to these clinics in Monroeville to make sure that AC residents can get vaccinated.

We've been providing the Moderna vaccine to our employees with the partnership of ACHD. We have 683 employees who are eligible and that includes correctional staff, health care staff, and other essential employees. People may not be aware of how many people hold this building up. That is not inclusive of everybody that works here but those are 683 people who have direct care with the inmate population to varying degrees. 102 or 15% of our employees have received both doses. 189 minus those who have been fully inoculated have received at least one dose for a total of 291 employees that have received some form of the Moderna vaccine which is actually 43% of our employee base which is pretty incredible because the health department only started assisting us with this process at the very end of December and we're at the very beginning of February, so to have that many people vaccinated is a huge feat. We have 71 employees that are awaiting their first dose that remain interested. Some of them are not part of the 1A group so they're still not eligible to receive the vaccine. Others have been previously positive and have been recommended to defer their dose at this time. We've had 102 employees, 15% refuse the opportunity to be vaccinated for a varying level of reasons. As far as inmate vaccines go, I know this came up last month, we remain very motivated to get our inmate population vaccinated. We applied in December as soon as we were able to as an institution to be able to provide vaccines. We're still awaiting response from the government, as to whether or not we've been approved and will receive doses. We are going to work collaboratively with multiple different entities to make sure that individuals who may be receiving vaccines in the community and may have contact with the criminal justice system and may be due for their next doses that we will find ways to coordinate so the they will have that timely. As far as cover updates, that's all I have for the board.

**Judge Clark:** Does anyone have any questions for deputy warden Williams?

**Hallam:** I do judge Clark

**Judge Clark:** Yes, Ms. Hallam

**Hallam:** My first question is about vaccines. Is there a written plan that the jail has in place for vaccinating the staff and separate for vaccinating the incarcerated folks? I know that I had sent an email a couple of data ago requesting this, I don't know if it got through to you deputy warden Williams

**Williams:** I actually did not receive any email from you lately Ms. Hallam Perhaps I'll shoot one to you and make sure that you have the right email address?

**Hallam:** Oh no, it wasn't from me to you, I sent it to Judge Clark and asked if we could request that for this meeting, I was just asking, wondering if you got that request.

**Judge Clark:** I think I missed that Ms Hallam

**Hallam:** It was in my email where I asked that this be added on to the agenda. If this was going to be on the agenda that we could get the written plan sent to us ahead of time.



**Judge Clark:** I think I missed the written plan part. So, I'm sorry that's my fault, I did not communicate that to Deputy Warden Williams.

**Hallam:** No, that's totally ok. Does a written plan exist?

**Williams:** We have varying degrees of a process. I wouldn't say that it's necessarily a formal plan like our continuing operations plan that you've familiarized yourself with.

**Hallam:** Ok. So. I do know that one of the public comments had talked about employees at the jail, and I don't think that they specified what kind of employees that they were, but getting their first dose via the department actually coming into the jail and that that has ceased to happen. Can you speak to that and maybe what is the plan if ACHD isn't coming into the jail anymore? How are those employees are getting their second dose in a timely manner?

**Williams:** I can speak to that. They only came on site for 3 clinics and that was at the end of December and very early January. We've been coordinating with them to do an alternate location, again one that I am not going to disclose during a public meeting. I don't know if the health department would consent to that because I certainly don't want them to be bombarded. But it is very convenient to our location. It is within walking distance. We've been working very hard with our operational staff to relieve employees during their work hours so that they are able to get the vaccine. We do have a number of employees, approximately 114 that are due for their injection within the next week and we've been working with the health department to schedule them. They will receive those next week.

**Hallam:** Ok. I think that you said it's 43% of the staff so far that has received the vaccine who is eligible to has received it. Can you tell us how many of those were through the jail and how many got their vaccines individually out in the community?

**Williams:** I will give an approximate number but some of our aides and our contracted employees elected to get those at AHN where they received a Pfizer dose. I believe the numbers reflect only 5 that received the vaccine outside of our processing. So 5 out of the 291, but I will verify that and if that's a request for future meetings, I'll also make sure that those data points are kept separate.

**Hallam:** My last thing is the plan for when 1B hits. We're still in 1A for now. 1B as I understand it. is when the incarcerated population is eligible for their vaccines. I want to know what the plan is. Are we going to go pod by pod. Are we going to prioritize certain folks? Are there any incarcerated people who have received the vaccine already? Because. I have to imagine that we have a 1A population incarcerated at the jail. If you could just speak to those things.

**Williams:** I'd love to. So, some incarcerated individuals have received the vaccine. Torrance State Hospital has been able to provide some of those inmates the vaccine prior to their return to our facility. They've done both doses. So some of our inmate population has already received it. So you are absolutely accurate. Some of our inmate population is part of 1B which is why we have been working so hard to obtain doses. We will seek guidance from the health department but we'll also be following those priority populations. Thankfully with the electronic health record that we have we can go by age or medically vulnerable conditions and prioritize those based on the recommendations.

**Hallam:** Has the ACJ administered the vaccine to anyone incarcerated at the jail or only folks from Torrance after already receiving it have got it?

**Williams:** I think I made myself clear earlier in my response that we have not yet done that for the inmate population

**Hallam:** OK, so not even the inmate population that falls under 1A?

**Williams:** No.

**Hallam:** OK. Is there any plan or are you waiting until the state transitions to 1B to vaccinate anyone designated as incarcerated?

**Williams:** We're waiting for the government to respond to our application to receive vaccinations and as soon as they do, we will be happy to administer those on site.

**Hallam:** OK, and are you waiting for the government to respond to make your plan on how you will administer those to the incarcerated population? Or is that something that you're working on now foreseeing the government approving your plan?

**Williams:** We've been working on it for quite some time now.

**Hallam:** Ok. Is that something that you would be willing to share with this board?

**Williams:** We can share some of it but not in specific detail for the vaccine. We have not yet decided if we'll go pod by pod. We still have some things to figure out and if the board would be interested in that information, sure we can.

**Hallam:** I would be very interested in that information especially how you are deciding and which order folks who are incarcerated. Once you get approval, are you going to vaccinate medically vulnerable? I just want to know how it's going to be done.

**Williams:** I am so appreciative of your enthusiasm and I've indicated that we will go with the guidelines of those that are the most vulnerable first and then roll out the following. But it does sound like you would like the specifics and I would be happy to provide those at a later date.

**Hallam:** I would, yes, thank you very much. And then after someone is vaccinated, are they no longer contagious? Is this something where we would no longer be quarantining folks even after the vaccine? What's the plan for that?

**Williams:** Well you know Ms. Hallam, I will have to consult with medical professionals to answer that question.

**Hallam:** OK. I would really appreciate an answer to that at the next meeting. I just don't want us to get into a position where we just caught off guard. Let's say we get a vaccine approved, you get the doses that you need to vaccinate our population and yet there's not a plan for how everything is going to be rolled out. So, yes, I would very much so like those specifics. I think that is why it was placed on the agenda so that there could be preparation to get us those specifics and I do think that it is something that we should be making a priority going forward. So if you could do that, I would really appreciate it.

**Williams:** So I'd like to clarify just one thing whether it's important or not. Here at the ACJ throughout the pandemic we have been preplanning this preventative and proactive every step of the way. We've been cautious to publish things as its important to work out kinks. We've dealt



with as many professionals as possible. Our very first edition of the continuing operations plan in this institution was drafted on the 8th of March which was before Allegheny County announced their first case. We take our jobs very seriously in protecting the inmate population and those of us who work within this institution. So though I appreciate your concern, I do find it offensive that you continue to believe that we're not working towards these efforts ahead of time.

**Hallam:** No, it's not that I'm trying to be offensive at all. I would just like information. I feel like that's the purpose of these meetings. That's the purpose of putting things on the agenda. So I personally find it offensive that I'm...

**Judge Clark:** OK, that's enough we're going to stop this conversation. I think that emotions are sort of guiding the conversation. I do have one question, Deputy Warden Williams. Can you explain the application process you have to make for the federal government. What does that mean? Do they get to decide how many doses of the vaccine that you get? Is there a chance that you will have a finite number that might not cover all inmates?

**Williams:** The application process included demographic information and I think that was for them to try to determine vaccine allotment. Because this is unprecedented for everybody, not just here at the ACJ, we're all learning as best we can. We submitted demographic information, average daily population of our institution. I was able to provide break downs of some of our medically vulnerable as well as the other positions as well as other eligibility requirements that have been mirrored within the phasing of the community as well. I would imagine they would be using those data points to determine which facilities will get the vaccines first. They will also probably be establishing that based on facilities that have 24/7 medical care who can do emergency services in the event somebody has a reaction to the vaccine as well as partnering with community agencies. Some health departments in different jurisdictions are assisting with overseeing during the pandemic in correctional agencies and may be the ones administering to the inmate population. I do believe that there is a large amount of planning that they've been doing which is why they asked us to submit these applications as soon as possible. so that they can be reviewed.

**Judge Clark:** Thank you, I understand. Thank you. Does anyone else have any questions for Deputy Warden Williams?

**Wagner:** I just have one quick question

**Judge Clark:** Yes, Ms. Wagner

**Wagner:** Just for clarification, I'm trying to understand how the jail is receiving the vaccines and I know there are a lot of different parts to this so I apologize if this was something that I missed. Is it coming directly from the health department or is it coming from, and I know there are some outliers, or is it coming from Allegheny Health Network?

**Williams:** Some of our contracted staff, advanced practitioners and physicians are employees of AHN. They were given the option to get vaccinated at one of the local hospitals or we were willing to provide it to them here if we were able to vaccinate them faster than AHN would have been able to accommodate them. I believe AHN was considering some of our providers as part of the outpatient clinic so not necessarily a top priority on their vaccination levels as their inpatient hospital workers would have been. So, we did extend the offer to them to vaccinate here in partnership with AHN and the ACHD. There are strict chain of custody guidelines when it comes to the vaccination. Though the ACHD received the doses and they were able to assist in vaccinating, our employees. So they have either done that during on site clinics here of course

adhering to all of the temperature and storage requirements and making sure that no doses were wasted. Many people on the board are aware that a vial, it contains 10 - 11 doses and when you open the vial, it must be used within 6 hours. Once its delivered, it has to be used within 30 days. So its a very planned process that is done in coordination with the health department.

**Wagner:** OK, thank you.

**Judge Clark:** Thank you Deputy Warden Williams. The next thing on the agenda is just sort of a recap of some requested information that was to be provided to the board. We requested that at the last meeting which included the information that was contained in the Public Source article which was the psychiatric queue, the health care shift report, the medical schedules, the mental health medical queue, the medical sick call queue and the medical SRC queue and the incident report and so I did meet with the County Solicitor. There was other information, too, that has been provided in terms of some of the policies. A picture of the restraint chair and those kinds of things. But these items have not yet been provided and I did have a conversation with Deputy Warden Williams, so its part of a work in progress because some of this information changes on a daily basis and I think Mr. Bacharach is here to speak about what is forthcoming to get this information to the board. So, John

**Bacharach :** We are reviewing it with the solicitor to see what we can provide.

**Judge Clark:** Can I add one thing? Some of the information in the Public Source article, a lot of it, did not come from a RTK request so a lot of information was provided to Public Source I guess through maybe other people that work at the jail or something like that. It wasn't through normal channels and requests for information through the RTK act. Maybe a little bit did but I believe the bulk of it did not because when they went to check to see what was requested, it was not. Is that fair to say Mr. Bacharach?

**Bacharach** Yes. We don't know all the sources. Some of it might have come from information that was provided as required in the lawsuits that we had to provide that but I don't know the specifics of it. We'll provide the board with all the information we can, so let's put it that way

**Judge Clark:** I think the board's position is whatever was covered in the Pubic Source article is already out there and since the general public has seen it, that the board should receive it. I think that in my discussions with Mr. Szefi, it was that a lot of it did not come from. They were not sure what the sources were, but they are looking to provide that information. It is kind of a lot of information. It's not just that they can go and dip it out and give it to you, but they are working on that information. Is there anything on this list that you will not be able to provide to the Board.

**Bacharach:** Not that I can tell you off the top of my head your honor

**Judge Clark:** Alright. And do you have any anticipated date or time frame in which the board might be able to receive this information?

**Bacharach:** I think that we should be able to have it and get it to you within 30-45 days

**Williams:** I wanted to clarify, too, because we would like to meet the request. The sheer volume of some of the requests will be abundant, so I do want members to be aware that the request for health care shift reports, it is a 24/7 facility, so there will be many of those in a monthly period. And my request would be that the board be lenient and understanding that probably the week of the JOB meeting. I don't know if we'll have the capacity to redact everything that would be

**Judge Lazzara:** So I just didn't know, does it stay in some general fund? Does it somehow go back to them? It would be helpful if we would know.

**Judge Clark:** I think that's a good point, so I would request the warden find out. I don't have any problems with the inmate if it's on their books, them taking it with them. But we have designated this money for a certain purpose, so if I'm in the jail today and I get my \$50 and then I leave and I haven't used it for the tablet or to make phone calls, I just get to take it with me. And you may be alright with that. I'm not suggesting that we not do that. I'm just suggesting that it is something that Judge Lazzara your committee should think about. Because we have purpose for that money and should that money then go back into the inmate welfare fund so that some inmate who stays in the jail say for 60 days and could benefit for that because who knows how long we will be in this state. If you asked me last year when we first started these virtual meetings that we would still be in these virtual meetings now I would have said no. I just want you to think about it. The warden will provide the answers and then maybe you might have some recommendation about it. I'm not suggesting anything one way or the other, I'm just thinking that it's something you ought to think about. Because there's a difference between somebody that's there a week and somebody that's there 9 months. The person that is there 9 months really needs that because they need that contact with family and the outside world and the person that's there a week, yeah, they need it but they're now out and so should they be able to take that \$50 with them that they didn't spend. I don't have any answer to that. I'm just asking that you guys think about it at your committee and maybe have a recommendation for the board.

**Judge Lazzara:** Absolutely, we will do that.

**Judge Clark:** Alright. Any other questions/ comments regarding the second motion? All those in favor? any opposed? The motion is carried.

Any other new business?

**Hallam:** Can I just ask one quick question. I was just wondering now that it seems that testing is readily available including rapid testing, is there any plans in the future to do universal testing of the entire population to try to identify asymptomatic carriers and things such as that?

**Judge Clark:** Warden?

**Williams:** No ma'am

**Judge Clark:** Alright then. Is there any other new business? OK, then I think we have our community corrections reports. Anyone still here from the program.

**Program for Offenders staff:** Yes. Good evening. I just wanted to report that in regards to our staff and our staff being vaccinated so we've been working with ACHD along with Giant Eagle and Giant Eagle came into our West Homestead facility on January 20 and provided the first vaccination to our staff, so currently right now we have 37 staff members who've already received the first vaccine and we're scheduled to have our second one on February the 17th. There are a few of the staff members who probably will be receiving their vaccine a week prior to that so somewhere around February 11. So at that time, February 17, we'll have all the staff who have requested to be vaccinated have received both their vaccinations. We're currently working with multiple pharmacies as well as additional medical institutions to try to provide vaccines for our inpatient clients at the West Homestead and our other facilities.

number of agency staff utilized at the jail over the past individual six months including RN, LPN, and MA? Statistics don't lie.

**ACJ Response:** We will not provide this statistic and all contracted agencies still provide employees to the ACJ.

Name : Anonymous Officer

Address:

Organization(s): Officer's Union

Comment : Dear Prison Board and Administration, It has been months now since the 1M Officer's/ Employee Gym has been closed now with little to no information in regards to its reopening. We have heard that once cameras were installed then we could reopen it with social distancing practices in place. We have also heard that this room will be repurposed for additional office spacing for HR. My question to the board is this; do we have a plan of action for the reopening of this 1M gym? Or do we have an idea what we could do in aspects of physical activity during our 1 hour lunch break, besides walking laps around Central Control on 1M? Due to this increased forcing due to multiple different force lists being projected, FMLA refusal of OT, and multiple officers off TFM, it has been hard for myself and multiple other employees to exercise and relive some pent up frustration that is occurred on our shifts. Working 13-16 plus hours a day for multiple days does not allow us the time to make it to an outside gym or workout from home as Warden Harper has advised us to do as an alternative. Please consider the mental and physical health of the employees of the ACJ and reach a solution to this predicament. Thank you for your time

**ACJ Response:** The gym at the ACJ will not re-open until the COVID-19 cases are drastically reduced in our county.

Name : Gym Rat

Address:

Organization(s): Jail

Comment : Warden Harper, if I've received both COVID shots, can I access the weight room? We have cameras in there, I'll wear a mask, and I'll carry my vaccination card. Will you open the weight room to those quarantined? You can check my papers any time sir.

**ACJ Response:** The gym at the ACJ will not re-open until the COVID-19 cases are drastically reduced in our county.

Name : Lee

Burkhart

Address:

, 15219

[yourneighborpgh@gmail.com](mailto:yourneighborpgh@gmail.com)

Organization(s):

Comment : Why are there children at ACJ? According to the county jail's population reports from late 2020, there are a number of children being held in the county jail. I am baffled by this for a number of reasons. Please consider: -There seems to be ample room at Shuman Juvenile Detention Center, that is to say a children's prison, for individuals ranging 10-17 years old. As of January 26th, Shuman's population was 31 children, well below their maximum capacity of 126. -ACJ's population averages around 1,560. Due to covid, we know that those at ACJ are isolated, and confined to their cells 23 hours a day. This schedule, as stated by Warden Harper, is to allow for proper social distancing as ACJ seems to have a shortage of pods available. -Keeping these children at ACJ means further isolating them in an institution made up entirely of adults. Without any peer support and in an environment that isn't focused on the specific needs of children, they stand to be greatly harmed by the additional confinement and isolation at ACJ. It is my opinion there is no excuse or reason that children are being held at ACJ. I don't believe children, or adults, should be incarcerated at all. I appreciate this board's novel task of ensuring proper management of the jail, and the well-being of those incarcerated. While I do not doubt that some of you believe the inherent value of those goals, I implore you to act on them. What will the members of this board do to get the children out of ACJ? How will you prevent such a deplorable practice moving forward? Thank you, Lee (they

**ACJ Response:** Individuals under 18, committed to the ACJ have been accused of an adult crime and for that reason, they are housed at the ACJ.